

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Brian P. LaMothe et al.	§	Confirmation No.:	7536
Serial No.:	10/085,298	§		
Filed:	02/28/2002	§	Group Art Unit:	2137
For:	Method And System Of Limiting Use of Imbedded Software	§	Examiner:	Nguyen, Minh Dieu

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

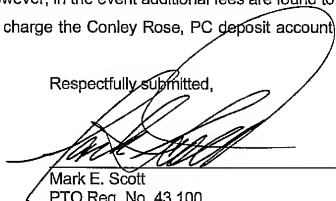
**Mail Stop Appeal Brief – Patents**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Date: October 25, 2006

Sir:

Contemporaneous with the filing of this document, Applicants submit an Amended Appeal Brief to address the shortcomings noted in the Notice of Non-Compliant Appeal Brief dated October 18, 2006. Applicants have previously paid the Appeal Brief fee, and thus no additional fees are due; however, in the event additional fees are found to be due, the Office is hereby authorized to charge the Conley Rose, PC deposit account number 03-2769.

Respectfully submitted,



Mark E. Scott  
PTO Reg. No. 43,100  
CONLEY ROSE, P.C.  
(512) 391-1900 (Phone)  
ATTORNEY FOR APPELLANTS



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

gum/mes

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/085,298

02/28/2002

Brian P. LaMothe

1787-70800

7536

23505

7590

10/18/2006

CONLEY ROSE, P.C.

P. O. BOX 3267

HOUSTON, TX 77253-3267

RECEIVED

OCT 24 2006 85.

CONLEY ROSE P.C. - HOU

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

10/085,298

Applicant(s)

LAMOTHE ET AL.

Examiner

Dieu Nguyen

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 26 July 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

1.) Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. Any claim argued separately should be placed under a subheading identifying the claim by number.

TIM COLE  
PATENT APPEAL CENTER SPECIALIST  
Timothy Cole

